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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,144	08 03 2001	Dirk Hente	DE:000108	7446

24737 7590 06 03 2003

PHILIPS ELECTRONICS NORTH AMERICAN CORP
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TARRYTOWN, NY 10591

EXAMINER

I.E. DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/922,144	HENTE, DIRK
	Examiner	Art Unit
	Dang D Le	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

Status

- 1) Responsive to communication(s) filed on 26 March 2003.
 - 2a) This action is **FINAL**. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 - 5) Claim(s) 8 is/are allowed.
 - 6) Claim(s) 1-7 and 9-16 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, 7, and 9-16 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant is silent with claim 6. Nevertheless, the rejection of claim 6 is still deemed proper and repeated hereinafter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Kuriyama.

Regarding claim 9, Kuriyama shows all of the limitations of the claimed invention including the cage (1, Figure 8) at its side that is remote from the pivot (9), a shielding wall having an opening (10) in the area of the magnets (5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemela in view of Hartman.

Regarding claim 1, Niemela shows an electrical apparatus (Figures 1-6) having an actuator including at least two permanent magnets and at least one electrical coil with a swing arm (32), and means (44) for exerting a permanent return force for the excursions of the swing arm (32).

Niemela does not show the electrical coil which is movably supported by means of a swing arm, which coil is arranged to be traversed by magnetic fields of the permanent magnets, the actuator having a cage, which encloses the coil and the permanent magnets, as a closed magnetic return path.

Hartman shows the electrical coil (22, Figures 2-4) which is movably supported by means of a swing arm (38), which coil is arranged to be traversed by magnetic fields of the permanent magnets (62, 64), the actuator having a cage (25), which encloses the

coil and the permanent magnets, as a closed magnetic return path for the purpose of reducing power consumption.

Since Niemela and Hartman are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the actuator of Hartman for the purpose discussed above.

Regarding claim 2, it is noted that Hartman also shows the cage made of soft-iron or steel and shaped so as to shield the magnetic stray fields of the magnets.

Regarding claim 3, it is noted that Hartman also shows the swing arm, which is secured to the coil supported on a pivot, and the pivot arranged at an inner side of the permanent magnets except for the magnets being sector-shaped.

Regarding claim 4, it is noted that Niemela also shows the swing arm which is supported on a pivot, being preloaded with respect to a housing by means of a torsion spring (44).

Regarding claims 12-16, it is noted that Niemela and Hartman also show all of the limitations of the claimed invention.

8. Claims 5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemela in view of Hartman as applied to claim 1 above, and further in view of Motohashi et al.

Regarding claim 5, it is noted that Niemela and Hartman show all of the limitations of the claimed invention except for the use of blade spring.

Motohashi et al. show the use of blade spring (31A) for the purpose of making a shaver.

Since Niemela, Hartman, and Motohashi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the blade spring as taught by Motohashi et al. for the purpose discussed above.

Regarding claim 7, it is noted that Motohashi et al. also show the pivot being replaced with a point of attachment to a housing, where the swing arm is attached by means of a blade spring (31A).

Regarding claim 10, it is noted that Motohashi et al. also show the electrical apparatus being an electrically driven shaving apparatus.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Hanrahan et al.

Regarding claim 6, Hartman shows all of the limitations of the claimed invention except for clearly showing the first pivot point. The first pivot point of Hartman seems to be a screw. However, in the art of linear motor, it is a micro-actuator.

Hanrahan et al. clearly show the first pivot point (21) not to be a screw for the purpose of controlling the head motion.

Since Hartman and Hanrahan et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the first pivot point as taught by Hanrahan et al. for the purpose discussed above.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi et al. in view of Hartman.

Regarding claim 11, Motohashi et al. show all of the limitations of the claimed invention except for the shaver actuator with the magnets and the cage acting as a closed magnetic return path.

Hartman shows an actuator with the magnets and the cage acting as a closed magnetic return path for the purpose of increasing the flux strength.

Since Motohashi et al. and Hartman are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the actuator of Hartman for the purpose discussed above.

Allowable Subject Matter

11. Claim 8 is allowed.

Information on How to Contact USPTO

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

May 28, 2003



DANG LE
PRIMARY EXAMINER